

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

OTIS LAIRD BOGGESS, JR. §
VS. § CIVIL ACTION NO. 1:06-CV-702
DIRECTOR, TDCJ-CID §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Otis Laird Boggess, Jr., an inmate confined at the McConnell Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying petitioner's motion for leave to proceed *in forma pauperis*, and allowing petitioner thirty days to pay the filing fee.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. Petitioner's motion for leave to proceed *in*

forma pauperis is **DENIED**. Petitioner shall have thirty days from the date of this memorandum order in which to pay the \$5 filing fee. Petitioner's failure to pay the filing fee may result in the dismissal of this petition pursuant to Federal Rule of Civil Procedure 41(b).

SIGNED this the **22** day of **February, 2007**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge